

Appl. No. 10/717,686
Reply to Office action of 09/22/2005

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REMARKS/ARGUMENTS

In reply to the Office Action mailed September 22, 2005, Applicant respectfully requests reconsideration and allowance. In the Office Action, claims 1-6 and 8 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness and claims 1-6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 2,519,150 (the "Ostergaard patent"). In reply, Applicant has amended claim 1, so that claims 1-6 and 8 remain pending in the subject application.

Applicant would like to express his gratitude to Examiner Leung for taking the time to discuss the subject application with the undersigned on January 18, 2006. The substance of what was discussed in the interview will be discussed in these remarks.

Claim 1 was rejected for indefiniteness on the basis that it was not clear as to whether Applicant was attempting to recite a Markush group limitation by the language of lines 13-15 of claim 1. Accordingly, Applicant has amended claim 1 to recite "a group consisting of said top edge, said bottom edge and a second imaginary line bifurcating said baffle into equal areas." Applicant respectfully submits that this amendment to claim 1 clarifies the recitation of a Markush group limitation and respectfully requests withdrawal of the rejection for indefiniteness.

Claims 1-6 and 8 were rejected in the Office Action for obviousness over the Ostergaard patent. In the interview, the Examiner explained that she considers the bottom section of the baffle to not extend to the bottom edge of the baffle. In reply, Applicant has amended claim 1 to recite that the bottom section of the baffle extends to a bottom edge of the baffle. The bottom section 62 of the outer baffle 35 is identified on page 20, line 13, of the subject application and is illustrated in FIG. 3 to extend to the bottom edge 40 of the outer baffle 35. With respect to the inner baffle 37, a bottom section 76 is defined at page 23, line 6, and FIG. 4 shows that the bottom section 76 extends to the bottom edge 44 of the inner baffle 37. It is abundantly clear that the Ostergaard patent does not disclose a ratio of the total area of the openings in the bottom section to the area of the bottom section of the baffle that is greater than the ratio of the total area of openings in the top section to the area of the top section of the baffle as recited in claim 1. The Ostergaard patent clearly teaches biasing the openings toward the top of the baffle.

The rejection pointed out that the Ostergaard patent discloses that the plurality of openings may be disposed "at or adjacent to the outlets from the constricted passages." Column 4, lines 64-67. However, the Ostergaard patent does not say that the openings are disposed "at or adjacent to" the constricted passages but "at or adjacent to" the outlets from the constricted passages. The outlets are located higher than the constricted passages relative to the baffle. Consequently, the Ostergaard patent teaches "perforations or openings discharging into the wide passages formed by the baffles" which are above the constricted passages. Column 4, lines 68-70. In the constricted spaces 14, vapors are squeezed from the catalyst "by reason of the increase in density in the annular space."

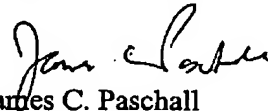
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Column 6, lines 45-47. Hence, it would make no sense for one of ordinary skill in the art to move the openings down into the constricted spaces to direct fluidizing gas into the catalyst when the patentee's intent was to squeeze gas from the catalyst in the constricted space 14. Additionally, even if one of ordinary skill in the art did move the openings down toward the constricted passages 14, there still is no teaching in the Ostergaard patent for biasing the openings to have a greater density of openings at the bottom section than at the top section of the baffle. Hence, Applicant respectfully submits that the Ostergaard patent does not teach or suggest all of the recitations in claim 1 or claims 2-6 and 8 depending from claim 1, for at least the same reasons.

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of claims 1-6 and 8 pending in the subject application. Should the Examiner wish to discuss this matter further, please feel free to contact the undersigned.

Respectfully submitted,



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